

REMARKS/ARGUMENTS

Applicants have received the Office action dated September 30, 2004, in which the Examiner: 1) rejected claims 1-8, 13-15 and 23-31 under 35 U.S.C. § 102(b) as allegedly anticipated by *Mizoguchi et al.* (U.S. Pat. No. 5,978,939, hereinafter "*Mizoguchi*"); 2) objected to claims 9-12; 3) objected to the drawings; and 4) indicated that claims 16-22 were in a condition of allowance.

With this Response, Applicants have amended claim 9 and withdrawn claims 23-26.¹ Thus, claims 1-22 and 27-31 remain pending.

I. AMENDMENTS TO SPECIFICATION

The Applicants have amended the Specification to correct a minor clerical error in Paragraph 44. The Applicants respectfully submit that no new matter is added by this amendment.

II. OBJECTIONS

A. Claims 9-12

The Examiner objected to claims 9-12 as being dependent on a rejected base claim, but indicated that claims 9-12 would be in a condition of allowance if rewritten in independent form. Accordingly, the Applicants have rewritten claim 9 in independent form and respectfully submit that claim 9, as well as dependent claims 10-12, are in a condition of allowance.

B. Drawings

The Examiner objected to Figures 1-3 as being directed to prior art and required a legend entitled "Prior Art" to be included per M.P.E.P. § 608.02(g) (rev. 2, May 2004). Accordingly, the Applicants have amended Figures 1-3 to comply with the requirements set forth in § 608.02(g).

III. REJECTIONS UNDER § 102(B)

The Examiner rejected claims 1-8, 13-15, and 27-31 as allegedly anticipated under 35 U.S.C. § 102(b) by *Mizoguchi*. The Applicants respectfully

¹ The Applicants have withdrawn claims 23-26 with this Response in an effort to narrow the issues before the Examiner. This withdrawal should not be construed as an admission as to the correctness of the Examiner's assertions or as a relinquishment of claim scope. In fact, the Applicants reserve the right to reassert the withdrawn claims later in prosecution, or perhaps, in a continuation application.

**Appl. No. 09/932,541
Amdt. dated December 20, 2004
Reply to Office action of September 30, 2004**

Amendments to the Drawings:

Amend Figures 1-3 as described below.

The attached sheets of drawings include changes to Figs. 1-3. These sheets replace the original sheets. Sheet 3 includes Figs. 3 and 4, however, only Fig. 3 has been amended. In Figures 1-3, previously omitted legend "PRIOR ART" has been added.

Attachment: THREE (3) Replacement Sheets
THREE (3) Annotated Sheets Showing Changes

traverse. As the Examiner is undoubtedly aware, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. *Mizoguchi* fails to teach or suggest every claim element. For example, claim 1 recites (emphasis added) "one or more key computer applications; and an application watchdog driver that monitors user designated computer applications for periodic messages... ." A close examination of *Mizoguchi* reveals that while "application programs" are briefly mentioned at Col. 7, ll. 30-32, there is no teaching or suggestion that a user is designating key application programs for an application watchdog. Accordingly, claim 1, as well as dependent claims 2-6, are not anticipated by *Mizoguchi* for at least this reason.

Independent claims 7 and 27 contain features akin to those mentioned above with regard to claim 1. Therefore, independent claims 7 and 27, as well as dependent claims 8, 13-15, and 28-31 are also not anticipated by *Mizoguchi* for at least the same reasons as claim 1.

Additionally, dependent claim 3 is not anticipated by *Mizoguchi* for other reasons. For example, claim 3 requires (emphasis added) "a message passing interface that transmits signals between the two protection layers ... wherein the message passing interface is a shared memory queue." *Mizoguchi* does not teach or suggest that queues exist in shared memory. Thus, claim 3 also is not anticipated by *Mizoguchi* for at least this additional reason.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents

**Appl. No. 09/932,541
Amdt. dated December 20, 2004
Reply to Office action of September 30, 2004**

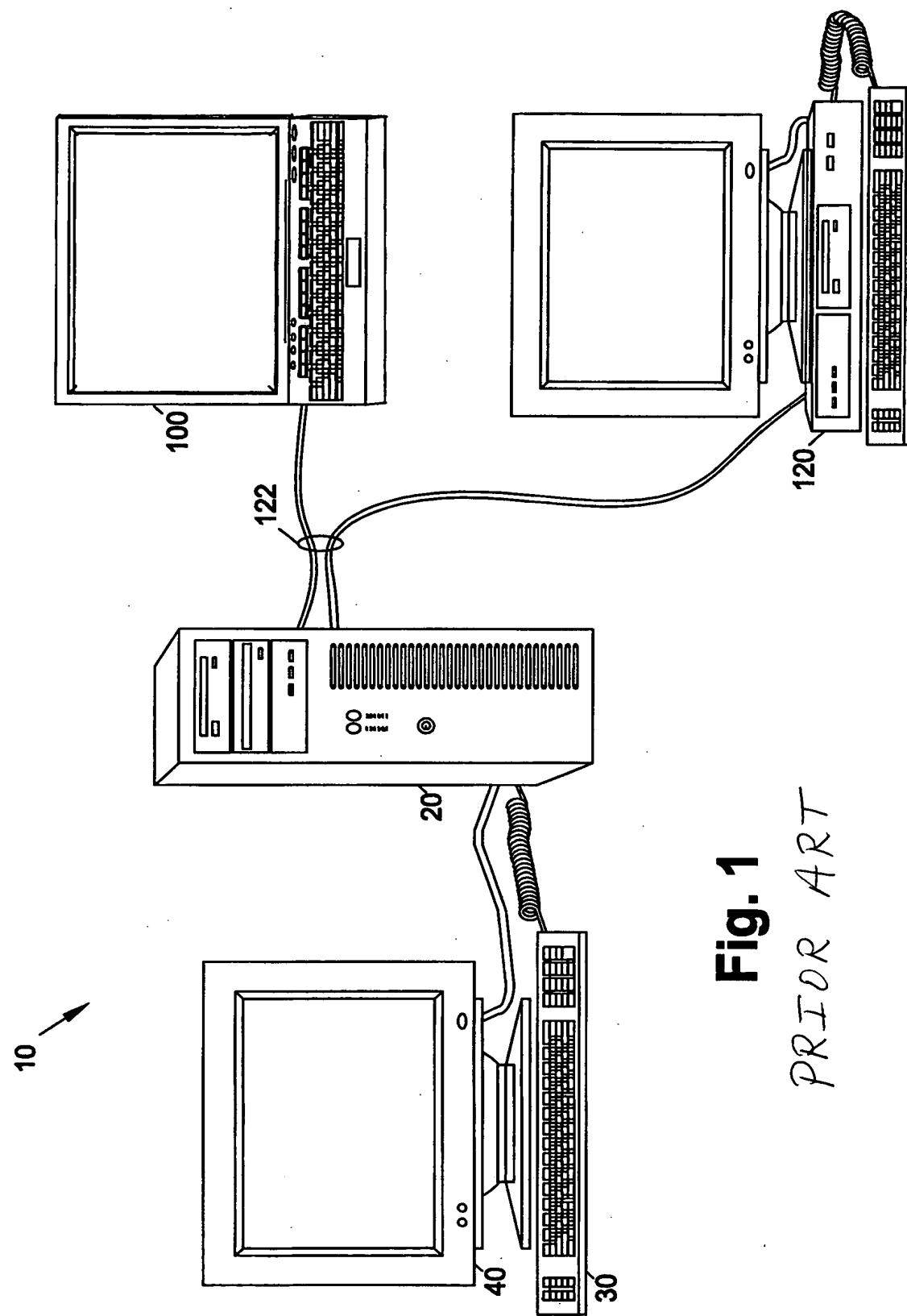
accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Robert M. Tuttle
PTO Reg. No. 54,504
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
AGENT FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400





Appl. No. 09/932,541
Amdt. Dated December 20, 2004
Reply to Office action dated September 30, 2004
Annotated Sheet Showing Changes

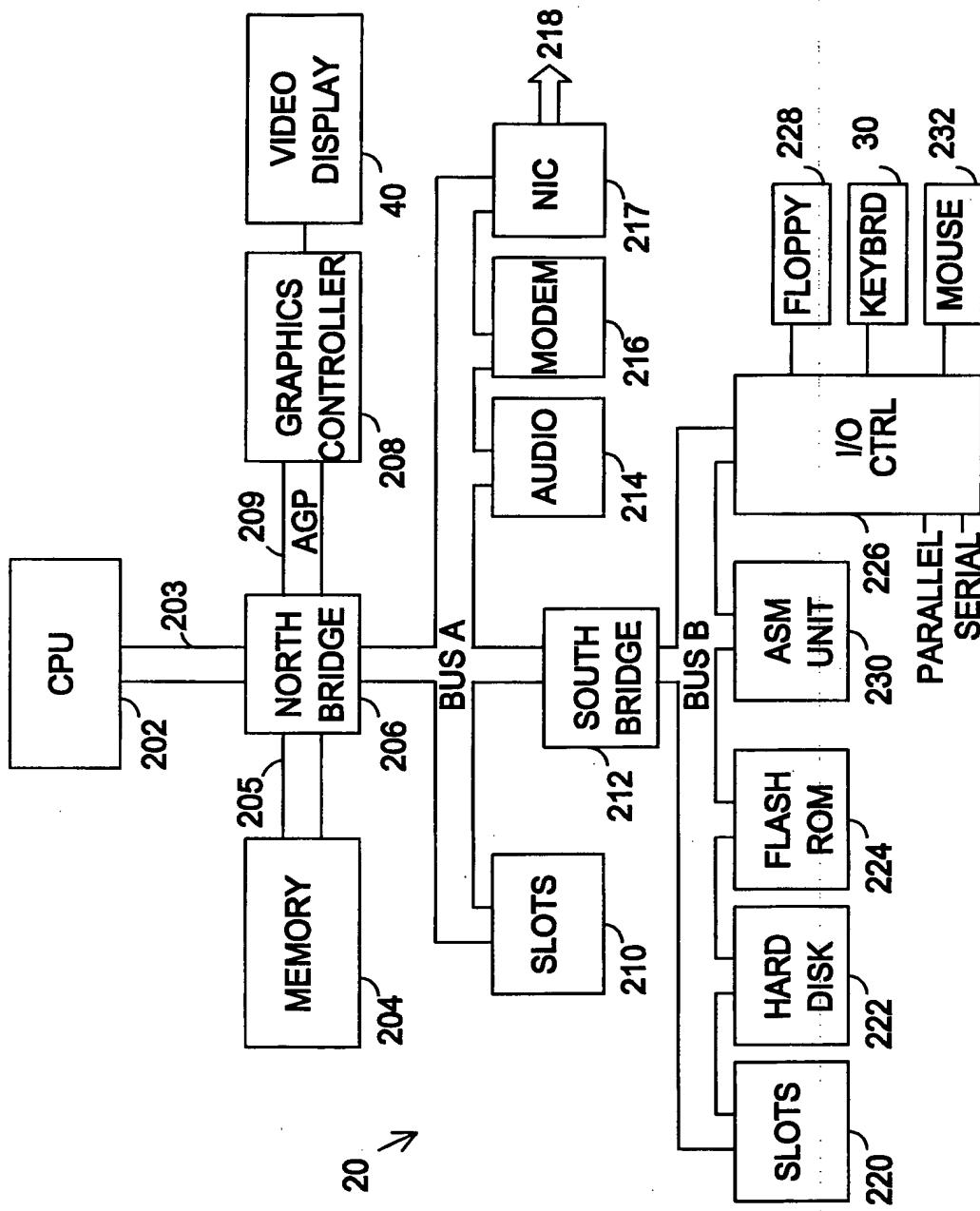


Fig. 2
PRIOR ART



Appl. No. 09/932,541
Amdt. Dated December 20, 2004
Reply to Office action dated September 30, 2004
Annotated Sheet Showing Changes

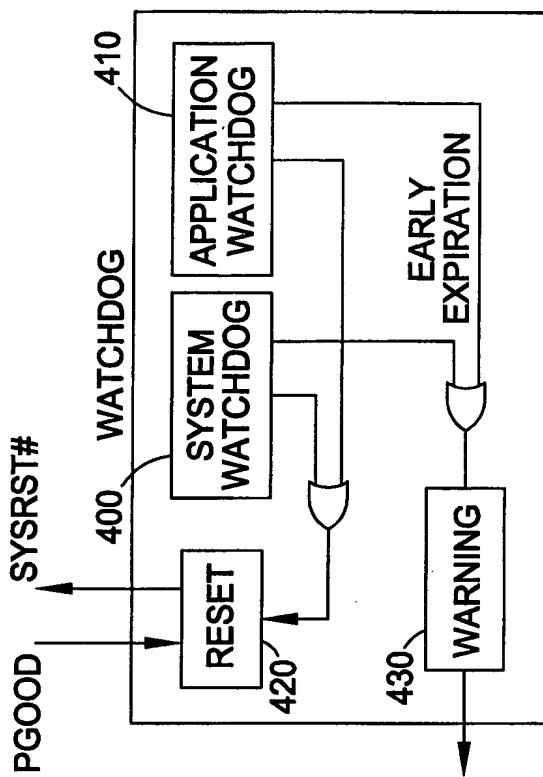


Fig. 4

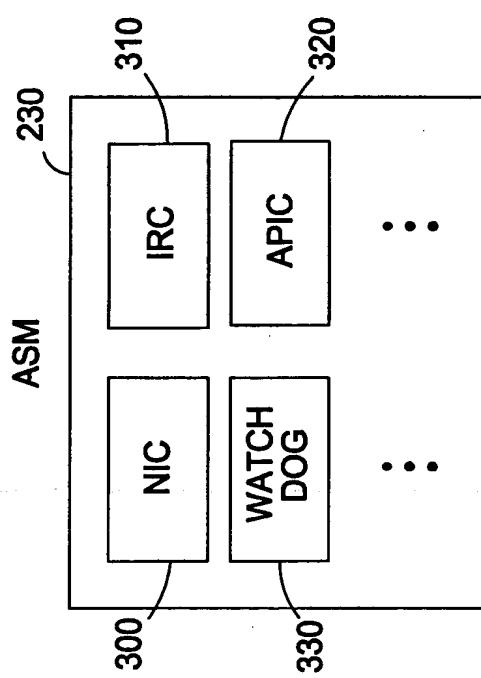


Fig. 3

PRIOR ART